

Notice of Allowability

Application No.

10/828,481

Examiner

Maria Leavitt

Applicant(s)

JUNE ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amended claims of 01-19-2006.
2. ☒ The allowed claim(s) is/are 59-109.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

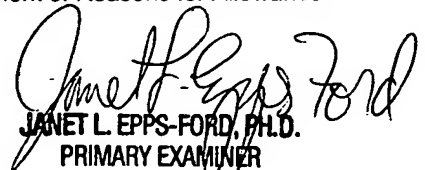
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 02-10-06; 3-10-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JANET L. EPS-FORD, Ph.D.
PRIMARY EXAMINER

Detailed Action

Applicant's amended claims filed on 01-19-2006 have been entered.

Terminal disclaimer

The terminal disclaimer filed on 01-19-2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,692,964 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Drawings

The drawing correction submitted by Applicants on 2-06-06 was accepted by the Examiner.

In the claims

Claims 1-58 have been cancelled. Claims 59-109 have been added by Applicant in response to prior art rejection to express the novelty of the Invention.

Reasons for allowance

The following is an examiner's statement of reasons for allowance. The prior art of record does not teach or fairly suggest of a method for increasing the expression of an exogenous nucleic acid molecule in T cells, comprising:

a) Contacting the T cells *in vitro* with at least one stimulatory agent, wherein the T cells are proliferating prior to contact with the at least one stimulatory agent, thereby forming stimulated proliferating T cells; and

b) Introducing the exogenous nucleic acid molecules into the T cells from step a) *in vitro*, less than 24 hours after contacting of said T cells, wherein the exogenous nucleic acid molecule

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is introduced into T cells using a viral vector, such that the expression of the exogenous nucleic acid molecule is increased in the T cells compared with T cells not contacted with the stimulatory agent prior to introducing the exogenous nucleic acid molecule. Art of record includes art suggesting that cells are induced to proliferate after contact with a first stimulatory agent rather than cells that are already proliferating before contact with a stimulatory agent as in the instant invention, wherein said contact with proliferating T cells reduces the time required for introducing an exogenous DNA.

Additionally, the amendment filed 01-19-2006 to the claims obviate the rejection under 35 U.S. C. 112, first paragraph.

The examiner agrees that in the Office Action Summary, p. 14, last paragraph, filed on 11-21-2005, the name Nabel et al., should be replaced by the name of June et al., The examiner appreciates the correction.

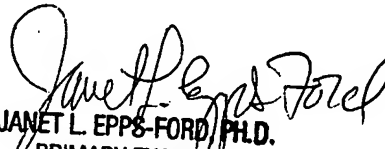
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Leavitt whose telephone number is 571-272-1085. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Janet Epps Ford, Ph.D., may be reached at 571-272-0757, or the examiner's supervisor, Dave Nguyen can be reached on 571-272-0731.

To aid in correcting any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1633, Central Fax No. (571) 272-0547.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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